

(3/22/2010) Maria NEYRA - RE: protective order

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From: "Stellmach, William (USANYS)" <William.Stellmach@usdoj.gov>
To: "Maria NEYRA" <MNEYRA@royblack.com>
Date: 10/23/2009 9:29 AM
Subject: RE: protective order
Attachments: proposed protective order.dr2.frm

Here's the copy we intend to submit. If you could include a cover letter, then I'll get this off ASAP to Judge Griesa.

Thanks,
Bill

-----Original Message-----

From: Maria NEYRA [mailto:MNEYRA@royblack.com]
Sent: Monday, October 19, 2009 12:31 PM
To: Stellmach, William (USANYS)
Subject: Fwd: protective order

Bill, there was no signature block for Roy on the proposed order sent on Sept. 30, 2009. He agreed to it. Do you want a cover letter to that effect. Not a problem.

<<proposed protective order.pdf>>

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

MARIO S. LEVIS,
a/k/a "Sammy Levis,"

Defendant.

x

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PROTECTIVE ORDER
ON CONSENT

08 Cr. 181 (TPG)

x

Upon the application of the United States of America, Preet Bharara, Acting United States Attorney, by William Stellmach and Daniel Braun, Assistant United States Attorneys, and Jason M. Anthony, Special Assistant United States Attorney, and with the consent of the defendant, MARIO S. LEVIS, a/k/a "Sammy Levis," by and with the consent of his attorneys, Roy Black, Esq., Howard Srebnick, Esq., and Maria Neyra, Esq.,

IT IS HEREBY ORDERED:

1. Documents provided to the United States Attorney's Office for the Southern District of New York by the Board of Governors of the Federal Reserve System may be disclosed to the defendant by the Government pursuant to Fed. R. Crim. P. 16 and are deemed "confidential information."

2. Confidential information disclosed to the defendant or his counsel during the course of proceedings in this action:

a. Shall be used by the defendant and his attorneys only for purposes of this criminal action;

b. Shall not be disclosed in any form by the defendant or his attorneys except as set forth in paragraph 2(c) below;

c. May be disclosed by the defendant or his attorneys only to the following persons (hereinafter "designated persons"): (i) all personnel employed full-time or part-time by the defendant's attorneys and their law firm; (ii) independent expert witnesses or advisors retained by the defendant or his attorneys in connection with this criminal action; (iii) transactional witnesses or their counsel, to the extent deemed necessary by defense counsel for trial preparation; and (iv) such other persons as hereafter may be authorized by the Court upon such motion by the defendant or his attorneys. Copies of documents containing confidential information may not be given to or remain in the custody of transactional witnesses.

3. The defendant and his attorneys shall provide a copy of this Order to the designated persons to whom they disclose confidential information pursuant to paragraph 2(c). Designated persons shall be subject to the terms of this Order.

4. All documents subject to this Protective Order must be returned to the United States Attorney's Office at such time as they are not needed in this action, at the end of the criminal proceedings, or upon Order of the Court, whichever occurs first.

5. The provisions of this Order shall not be construed as preventing the disclosure of any information to any Judge or Magistrate Judge of this Court for purposes of this action.

6. In the event any confidential information is included with, or in any way disclosed in, any pleading, motion or other paper filed with the Court, such confidential information

shall be filed under seal and kept under seal by the clerk until further order of the Court. Copies of confidential information served upon opposing counsel shall be placed in a sealed envelope labeled : "CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE ORDER."

7. The parties may use any confidential information at any hearing in this litigation and at trial, provided that the party seeking to use the confidential information gives notice to counsel for the Board of Governors of the Federal Reserve System (the "Board") ten (10) business days prior to such proposed use; except that, where ten business days' notice is not possible (either because the hearing is scheduled to occur in less than ten business days or because the need for the confidential document could not reasonably have been apparent sooner to the party seeking to use the document), counsel for the Board shall nonetheless be given reasonable notice sufficient to allow an opportunity to seek a protective order.

Dated: New York, New York
October ____, 2009

SO ORDERED:

HONORABLE THOMAS P. GRIESA
UNITED STATES DISTRICT JUDGE